

REMARKS

The present communication is responsive to the Final Rejection mailed December 9, 2008 ("Final Rejection"). Applicant has included with this response a Request for Continued Examination and a request for a two-month extension of time, up to and including May 9, 2009, to respond to the Final Rejection.

Claims 10-16 and 22-25 remain pending in the application, of which newly presented claims 23 and 25 are presented in independent form. Claims 1-9 and 17-21 have been cancelled. Claims 10 and 12-16 have been amended as indicated hereinabove. Claims 23-25 are newly presented. No new matter is included in these amendments, and their entry is therefore respectfully solicited.

Newly presented claims 23 and 25, in part, recite a patient support that is "elongated along a first direction and slidably mounted to an elevator frame," and further recite that the "patient support slides relative to said elevator frame along said first direction." This feature is supported by, for example, FIG. 1 and paragraph [0011] of the specification as filed ("A patient support 150 is mounted on the elevator frame 148. The patient support 150 may be moved linearly along the elevator frame 148 by an actuator 152.")

In addition, claim 23 also recites "a pair of substantially vertical support members connected to said magnet at opposite ends of said magnet, at least one of said pair of vertical support members adapted to rotate about an axis; and a motor coupled to said at least one rotatable vertical support member, said motor adapted to rotate said rotatable vertical support member about said axis so as to move said magnet in a substantially vertical direction." Newly presented claim 25 recites limitations substantially similar to those recited in

claim 23. However, for example, instead of reciting "a motor", this claim recites "means for rotating." These limitations are supported by, for example, FIG. 3 and paragraph [0031] of the specification as filed.

Claims 1-16 and 1-22 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,414,490 and claims 1-31 of U.S. Patent No. 6,677,753 respectively. (Final Rejection 5.) Applicant respectfully responds that a terminal disclaimer is premature at this time in view of the present and potentially further amendments to the claims. Accordingly, Applicant respectfully submits that these rejections should be held in abeyance until the claims are allowed.

Claims 1-8 were objected to on formal grounds. (Final Rejection 2.) As claims 1-8 have been cancelled, it is respectfully submitted that this rejection is moot and should be withdrawn.

Claims 1, 3-7, 9, 12-14 and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0123681 to Zuk et al. ("*Zuk*") in view of U.S. Patent No. 3,806,109 to Weber et al. ("*Weber*"). (*Id.*) Claims 2, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Zuk* in view of *Weber* and further in view of Cho (Foundations of Medical Imaging, Wiley Interscience, 1993), hereinafter "*Cho*". (*Id.* 4.) Claims 8, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Zuk* in view of *Weber* and further in view of U.S. Patent No. 6,128,522 to Acker et al. ("*Acker*"). (*Id.*) Reconsideration is respectfully requested.

In the Final Rejection, the Examiner acknowledges that *Zuk* does not "teach a patient support as being mounted to a frame". (Final Rejection 3.) However, the Examiner asserts that *Weber*, in the same field of endeavor, teaches a patient support

that is elongated along a first direction and slidably mounted to a fulcrum of an elevator frame. (*Id.*) The Examiner further asserts that *Weber* also teaches that the patient support is operable to slide relative to the elevator frame along the first direction. (*Id.*) Applicant respectfully traverses the rejections for the following reasons.

As an initial matter, Applicant submits that *Weber* does not contain any disclosure of a patient support that moves relative to the frame upon which the patient support is mounted. Indeed, *Weber* contains contrary disclosure that the table moves as the frame itself moves. (*Weber*, col. 3, ll. 29-36.) ("[The] actuator will tilt the frame 60 and hence, the table 65 thereon ... "). Thus, *Weber* does not contemplate a patient support that moves relative to the frame upon which it is mounted.

More specifically, *Weber* does not disclose a patient support that slides relative to the frame along a first direction. In this regard, Applicant notes that *Weber* is generally directed to a tiltable treatment table. (*Weber*, Title, Abstract.) In particular, *Weber* teaches a tiltable treatment and examination table employing a movable base structure mounted on castor rails. (*Weber*, Abstract; col. 1 ll. 24-50.) However, while *Weber* teaches a patient support apparatus that rolls on castors, it simply does not disclose a patient support that slides relative to a frame upon which the patient support is mounted. At best, *Weber's* disclosure with respect to the apparatus being mounted on castor rails may be comparable to the additional limitation recited in claim 23 regarding the carriage being mounted on rails. However, it is manifestly clear that rolling the apparatus on the castor rails will simultaneously move both the frame and the patient support, rather than move the patient support relative to the elevator frame as recited in claim 23. In view of the foregoing, the

Examiner's assertion that *Weber* teaches a patient support that slides relative to the elevator frame along a first direction is not supportable, and should be withdrawn.

In addition, claim 23 also recites "a motor coupled to said at least one rotatable vertical support member, said motor adapted to rotate said rotatable vertical support member about said axis so as to move said magnet in a substantially vertical direction". Applicant respectfully submits that the *Zuk* and *Weber* also do not teach this limitation.

Although the Examiner has not cited *Acker* and *Cho* for teaching the limitations discussed hereinabove, Applicant respectfully submits that *Acker* and *Cho* also do not make up for the deficiencies in *Weber* and *Zuk* as discussed above.

In view of the foregoing, Applicant respectfully submits that claim 23 is patentably distinguishable over the prior art of record and should be allowed. In addition, claims 10-16, 22 and 24, which depend from and include the limitations of independent claim 23, should also be allowed for at least the foregoing reasons.

As indicated above, newly presented Claim 25 includes limitations substantially similar to those discussed fully hereinabove with respect claim 23, and Applicant respectfully submits that claim 25 is therefore also patentably distinguishable over the prior art for at least the same reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in

order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 11, 2009

Respectfully submitted,

By

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